

JS 44C/SDNY
REV. 5/2010**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS		DEFENDANTS
Securities Investor Protection Corporation		Bernard L. Madoff Investment Securities LLC
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)
Becker & Poliakoff, LP, 45 Broadway, NY, NY 10006 212-559-3322, Attorneys for Appellants		Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111, Attorneys for Trustee
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)		
28 USC 158, appeal of an Order granting sixth interim applications for fees and expenses of Trustee and his counsel		
Hon. Judge Daniels, Hon. Judge Has this or a similar case been previously filed in SDNY at any time? No? <input type="checkbox"/> Yes? <input checked="" type="checkbox"/> Judge Previously Assigned Battis, Hon. Judge Scheindlin 1st and 3rd dismissed		
If yes, was this case Vol. <input type="checkbox"/> Invol. <input type="checkbox"/> Dismissed. No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If yes, give date 2nd and 5th pending & Case No. m-47		

(PLACE AN [X] IN ONE BOX ONLY)	NATURE OF SUIT
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ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY		
	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 400 STATE REAPPORTIONMENT
	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 423 WITHDRAWAL
	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 626 DRUG RELATED SEIZURE OF PROPERTY	[] 410 ANTITRUST
	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 381 OCCUPATIONAL SAFETY/HEALTH	[] 630 LIQUOR LAWS	[] 430 BANKS & BANKING
	[] 340 MARINE LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 640 RR & TRUCK	[] 450 COMMERCE
	[] 345 MARINE PRODUCT LIABILITY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 650 AIRLINE REGS	[] 460 DEPORTATION
	[] 370 OTHER FRAUD	[] 680 OTHER	[] 680 OCCUPATIONAL SAFETY/HEALTH	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
	[] 390 MOTOR VEHICLE LIABILITY	[] 710 FAIR LABOR STANDARDS ACT	[] 820 COPYRIGHTS	[] 480 CONSUMER CREDIT
	[] 395 MOTOR VEHICLE PRODUCT LIABILITY	[] 720 LABOR/MGMT RELATIONS	[] 830 PATENT	[] 490 CABLE/SATELLITE TV
	[] 396 OTHER PERSONAL INJURY	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 840 TRADEMARK	[] 810 SELECTIVE SERVICE
		[] 740 RAILWAY LABOR ACT	[] 850 SOCIAL SECURITY	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[] 790 OTHER LABOR LITIGATION	[] 861 HIA (1996f)	[] 875 CUSTOMER CHALLENGE
			[] 862 BLACK LUNG (923)	[] 890 OTHER STATUTORY ACTIONS
			[] 863 DIWC/DIWV (405(g))	[] 891 AGRICULTURAL ACTS
			[] 864 SSID TITLE XVI	[] 892 ECONOMIC STABILIZATION ACT
			[] 866 RSI (405(g))	[] 893 ENVIRONMENTAL MATTERS
			[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 894 ENERGY
			[] 871 IRS-THIRD PARTY	[] 895 ALLOCATION ACT
			[] 874 26 USC 7609	[] 896 FREEDOM OF INFORMATION ACT
REAL PROPERTY	ACTIONS UNDER STATUTES			
	CIVIL RIGHTS	PRISONER PETITIONS		
	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	IMMIGRATION	[] 900 APPEAL OF FEE DETERMINATION
	[] 442 EMPLOYMENT	[] 520 20 USC 2265		UNDER EQUAL ACCESS TO JUSTICE
	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 462 NATURALIZATION APPLICATION	[] 950 CONSTITUTIONALITY OF STATE STATUTES
	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 483 HABEAS CORPUS- ALIEN DETAINEE	
	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 485 OTHER IMMIGRATION ACTIONS	
	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS		
	[] 440 OTHER CIVIL RIGHTS	[] 655 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Honorable Judge Rakoff DOCKET NUMBER 11-3775

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 2 [] 2	[] 3 [] 3	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants:

Marsha Peshkin and over 800 Other Customers of Bernard L. Madoff Investment Securities LLC as Listed on Exhibit A to the Chaitman Declaration
45 Broadway, 8th Floor, New York, New York 10006

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DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee:

Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 6/15/2011 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

Weller Davis Chaitman 106

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 1978)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Civil Cover Sheet Addendum: Explanation of Relatedness

Movants submit that this case is related to *Picard v. Greiff*, No. 11 civ. 3375 (JSR), an action pending in this Court before the Honorable Judge Rakoff and also arising out of the liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act. This action and the *Greiff* action present overlapping issues of non-bankruptcy law, primarily the issue of whether the Trustee's fee arrangement with Baker & Hostetler violates BLMIS customers' right to due process.